

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Quaker City Plating & Silversmith
California Limited Partnership
7937 Chatfield Avenue
Whittier, California 90606

ID No.: CAD 008 506 065

Respondent

Docket HWCA 20030322

CONSENT ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control (Department) and Quaker City Plating & Silversmith, California Limited Partnership (Respondent), enter into this Consent Order and agree as follows:

1. Respondent generates and treats hazardous waste at the following site: 7937 Chatfield Avenue, Whittier, California, 90606 (Site) in Los Angeles County.

1.1. The Respondent generates the following hazardous waste: hazardous waste waters containing dissolved metals (hexavalent chrome, trivalent chrome, copper, nickel, silver, gold, and zinc) from electroplating operations; metal cyanides from electroplating operations; hazardous waste filters containing cyanide from electroplating operations; hazardous waste water treatment sludge (metal hydroxide sludge); buffing waste containing metals; acids; caustics; paints; and solvents.

1. 2. The Respondent operates pursuant to a permit-by-rule (PBR) authorization. In addition, the Respondent submitted an application for a cyanide consent order to treat the aqueous waste containing cyanide in three (3) treatment units.

2. The Department inspected the Site on March 14-15, 2002.

3. Determination of Violations. Based on the Department's inspection of the Site, the Department alleges the following violations:

3.1. The Respondent violated Health and Safety Code section 25201, subsection (a) in that Respondent conducted the following treatment activities without a hazardous waste facilities permit or other grant of authorization, including:

a. On or about March 14, 2002, the Respondent conducted the treatment of hazardous waste sludge (metal hydroxide sludge) in a dryer in Building 8.

b. On or about April 2002, Respondent treated spent cyanide filters and anode bags that are a Resource Conservation and Recovery Act (RCRA) listed waste with a total cyanide concentration of up to 3,530 mg/l.

3.2. The Respondent violated California Code of Regulations, title 22, section 67450.3, subsection (c)(9)(A) which incorporates by reference section 66265.13, subsection (a)(1), in that on or about March 14, 2002, Respondent failed to obtain a detailed chemical and physical analysis of a representative sample of the waste before treatment of hazardous waste at the Site.

3.3. The Respondent violated California Code of Regulations, title 22, section 67450.3, subsection (c)(9)(F) and section 66265.191, subsection (e)(1) and section 66265.192, subsection (k) in that on or about March 14, 2002, Respondent failed to have a tank assessment conducted by January 24, 1998 and certified by an independent, qualified, professional engineer (P.E.), registered in California in

accordance with section 66270.11(d), that attests to the integrity of tank systems at the Site, including two cyanide treatment tank systems, two cyanide waste accumulation tanks, and a Permit By Rule (PBR) treatment tank system.

3.4. The Respondent violated California Code of Regulations, title 22, section 67450.3, subsection (c)(9)(A), which incorporates by reference section 66265.15, subsection (b)(1), in that on or about March 14, 2002, Respondent failed to have a written inspection schedule to conduct daily inspections for tanks containing the cyanide accumulation and treatment tanks.

3.5. The Respondent violated California Code of Regulations, title 22, section 66262.11, subsections (b) and (c), section 66262.23, and section 66268.1 in that on or about March 14, 2002, Respondent failed to make a hazardous waste determination for spent cyanide filters and anode bags which are a RCRA listed waste subject to land disposal restrictions (LDR) standards.

4. A dispute exists regarding the alleged violations.

5. The parties wish to avoid the expense of litigation and to ensure prompt compliance.

6. Jurisdiction exists pursuant to Health and Safety Code section 25187.

7. Respondent waives any right to a hearing in this matter.

8. This Consent Order shall constitute full settlement of the violations alleged in Section 3 (Determination of Violations) above and the violations alleged in Section 3 that continued after March 14, 2002 and prior to the effective date of the Consent Order. This Consent Order does not limit the Department from taking appropriate enforcement action concerning other violations, including, but not limited to, violations that continue after the effective date of the Consent Order and/or violations based on new information.

9. Respondent admits the violations alleged in Section 3 above.

10. SCHEDULE FOR COMPLIANCE

10.1. Respondent shall comply with the following:

10.1.1. The Respondent has corrected the violation described in paragraph 3.1 (a) and (b). No further corrective action or submittal is required for this violation.

10.1.2. The Respondent has corrected the violation described in paragraph 3.2. No further corrective action or submittal is required for this violation.

10.1.3. Within 30 days of the effective date of this Consent Order the Respondent shall have a tank assessment conducted by an independent, qualified, professional engineer (P.E.), registered in California in accordance with California Code of Regulations, title 22, section 66265.191, subsection (e)(1), that attests to the tank system's integrity for the two cyanide treatment tank systems, the two cyanide waste accumulation tanks, and the PBR treatment tank system.

10.1.4. The Respondent has corrected the violation described in paragraph 3.4. No further corrective action or submittal is required for this violation.

10.1.5. The Respondent shall immediately cease treating spent cyanide filters (F008), and shall manage the spent cyanide filters and anode bags as a RCRA hazardous waste. Within 30 days of the effective date of this Consent Order, the Respondent shall submit copies of the manifests for the disposal of spent cyanide filters and anode bags since March 14, 2002.

10.2. Submittals: All submittals from Respondent pursuant to this Consent Order shall be sent simultaneously to:

Mr. Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control

8800 Cal Center Drive
Sacramento, California 95826-3200

Mr. Jerry Munoz, Manager
Health Hazmat Division
Los Angeles County Fire Department
5825 Rickenbacker Road
Commerce, California 90040-3027

10.3. Communications: All approvals and decisions of the Department made regarding such submittals and notifications shall be communicated to Respondent in writing by a Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondent shall be construed to relieve Respondent of its obligation to obtain such formal approvals as may be required.

10.4. Department Review and Approval: If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Consent Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may return the document to Respondent with recommended changes and a date by which Respondent must submit to the Department a revised document incorporating the recommended changes.

10.5. Compliance with Applicable Laws: Respondent shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

10.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Consent Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondent to stop further

implementation for such period of time as needed to abate the endangerment. Any deadline in this Consent Order directly affected by a Stop Work Order under this section shall be extended for the term of such Stop Work Order.

10.7. Liability: Nothing in this Consent Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Consent Order. Notwithstanding compliance with the terms of this Consent Order, Respondent may be required to take further actions as are necessary to protect public health or welfare or the environment.

10.8. Site Access: Access to the Site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Consent Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives may enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondent in carrying out the terms of this Consent Order; and conducting such tests as the Department may deem necessary. Respondent shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Consent Order.

10.9. Sampling, Data, and Document Availability: Respondent shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondent or on Respondent's behalf in any way pertaining to work undertaken pursuant to this Consent Order. Respondent shall allow the Department and its authorized representatives to

take duplicates of any samples collected by Respondent pursuant to this Consent Order. Respondent shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Consent Order. All such data, reports, and other documents shall be preserved by Respondent for a minimum of six years after the conclusion of all activities under this Consent Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondent shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondent shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Consent Order.

10.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or property resulting from acts or omissions by Respondent or related parties specified in paragraph 12.3, in carrying out activities pursuant to this Consent Order, nor shall the State of California be held as a party to any contract entered into by Respondent or its agents in carrying out activities pursuant to this Consent Order.

10.11. Incorporation of Plans and Reports: All plans, schedules, and reports that require Department approval and are submitted by Respondent pursuant to this Consent Order are incorporated in this Consent Order upon approval by the Department.

10.12. Extension Requests: If Respondent is unable to perform any activity or submit any document within the time required under this Consent Order, the Respondent may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

10.13. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

11. PAYMENTS

11.1. Respondent shall pay the Department a total of \$34,875.00 in penalties. Respondent shall make four equal quarterly installment payments of \$ 8,718.75, with the first payment due on May 1, 2006.

11.2. Payments required by the terms of this Consent Order shall be made by certified or cashier's check made payable to the California Department of Toxic Substances Control. The check shall reference Docket HWCA 20030322. Respondent shall deliver the payments to:

Department of Toxic Substances Control
Accounting Office
400 P Street, 4th Floor
P.O. Box 806
Sacramento, CA 95812-0806

A photocopy of the checks shall be sent to:

Mr. Charles A. McLaughlin, Chief
State Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, California 95826-3200

Ms. Colleen Heck
Staff Counsel
Office of Legal Counsel and Investigations
Department of Toxic Substances Control
1001 I Street, 23rd floor
P. O. Box 806
Sacramento, California 95812-0806

11.3. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

12. OTHER PROVISIONS

12.1. Additional Enforcement Actions: By agreeing to this Consent Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Consent Order.

12.2. Penalties for Noncompliance: Failure to comply with the terms of this Consent Order may subject Respondent to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

12.3. Parties Bound: This Consent Order shall apply to and be binding upon Respondent and its officers, directors, agents, receivers, trustees, employees, contractors, consultants, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Consent Order.

12.4. Effective Date: The effective date of this Consent Order is the date it is signed by the Department.

12.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this agreement.

12.6. Compliance with Waste Discharge Requirements: Respondent shall comply with all applicable waste discharge requirements issued by the State Water Resources Control Board or a California regional water quality control board.

SO STIPULATED AND AGREED:

QUAKER CITY PLATING & SILVERSMITH LP

Dated: April 7, 2006

By: Original signed by Mr. Chuck Wolitski
Chuck Wolitski, General Manager
Quaker City Plating & Silversmith LP

CALIFORNIA DEPARTMENT OF TOXIC
SUBSTANCES CONTROL

Dated: April 17, 2006

By: Original signed by Charles A. McLaughlin
Mr. Charles A. McLaughlin, Chief
Statewide Oversight and Enforcement Branch
Statewide Compliance Division
Department of Toxic Substances Control